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12
13 UNITED STATES BANKRUPTCY COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 OAKLAND DIVISION

16 In re

17 Case No. 17-43008-WJL

18 FIDEL JUANITEZ LUGTU and
19 LOURDES BONDOD LUGTU,

20 RS No.: RJR-2

21 Debtors,

22 Chapter Number: 13

23 **STIPULATION FOR ADEQUATE
24 PROTECTION**

25 DATE: September 19, 2018

26 TIME: 9:30 a.m.

27 CTRM: 220

28 UNITED STATES BANKRUPTCY COURT
1300 Clay Street, Suite 300
Oakland, CA 94612

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30 This Stipulation for Adequate Protection and Order Modifying the Automatic Stay is
31 made by and between Fidel Juanitez Lugtu and Lourdes Bondoc Lugtu (the “Debtors”) and
32 Trinity Financial Services, LLC (“Trinity,” and collectively with the Debtors, the “Parties”)
33 through their respective attorneys of record. The Parties hereby stipulate and agree as follows:

34 1. Trinity filed its Motion for Relief from the Automatic Stay on August 1, 2018
35 [Docket No. 26] with respect to the real property commonly known as 37004 Arden Street,
36 Newark, CA 94560 (the “Property”), and more fully described as follows:

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1 All that certain real property in the County of Alameda, State of California,
2 described as follows:

3 Parcel 1:

4 Lot 3, as said Lot is shown on the Map of "Zorn' Addition, Newark, Alameda
5 County, California", filed February 9, 1927, in Book 7 of Maps, at Page 41, in the
6 Office of the County Recorder of Alameda.

7 Parcel 2:

8 Beginning at the most Northern corner of Lot 3, as said lot is shown on the Map of
9 Zoms' Addition, Newark, Alameda County, California", filed February 9, 1927, in Book
10 7 of Maps, at Page 41, in the Office of the County Recorder of Alameda County;
11 running thence North 27' 10" East 11.27 feet; thence South 61' 15" East 60.01 feet;
12 thence South 27' 01" West 12.01 feet to the most Eastern corner of said Lot 3; thence
13 along the Northeastern line of said Lot 5 North 60' 30" West 50.03 feet to the point of
14 beginning.

15 Being a portion of that certain parcel of land conveyed to Marie Zorns by Deed
16 dated October 4, 1926, recorded February 9, 1927, in Book 1543 of Official
17 Records of Alameda County, at Page 24

18 2. The Debtors must tender twelve (12) regular post-petition monthly payments in the
19 amount of \$434.18 to Trinity on a timely basis, commencing October 2018 and continuing
20 thereafter through and including September 2019;

21 3. The Debtors are also to maintain as current their monthly arrearage payments on
22 Trinity's claim payable under their confirmed Chapter 13 plan; AND

23 4. The Debtors must make eleven additional monthly payments of \$257.41 and one
24 additional monthly payment of \$257.42, for a total of twelve additional monthly payments (payable at
25 the same time as their regular post-petition monthly payments), in order to cure their post-petition
26 default of \$3,088.93 as of the time of the filing of the Motion.

27 5. All payments to Trinity under this Order for Adequate Protection must be paid to Trinity
28 at the following address:

29 Trinity Financial Services, LLC
30 2618 San Miguel Drive
31 Suite 303
32 Newport Beach, CA 92660

33 6. The Debtors must maintain insurance coverage on the Property and must remain
34 current on all taxes that come due post-petition with regard to the Property.

1 7. Upon any default in the terms and conditions set forth above, Trinity must serve
2 written notice of default to the Debtors and the Debtors' attorney, if any. If the Debtors fail to
3 cure the default within 7 days after service of such written notice, Trinity may file and serve a
4 declaration under penalty of perjury specifying the default, together with a proposed order
5 terminating the stay, which the court may grant without further notice or hearing. Trinity may
6 serve the written notice of default on the Debtors via first class mail and on Debtors' counsel via
7 email at sjohnson@sagarialaw.com.

8 8. Notwithstanding anything contained in this Adequate Protection Order to the contrary,
9 the Debtor shall be entitled to a maximum of one notice of default and opportunities to cure pursuant to
10 the preceding paragraph. Once the Debtor has defaulted one time on the obligations imposed by this
11 order and has been served with one notice of default, Trinity is relieved of any obligation to serve
12 additional notices of default or to provide additional opportunities to cure. If an event of default occurs
13 thereafter, Trinity will be entitled, without further notice of default or providing the Debtors with an
14 opportunity to cure, to file and serve a declaration under penalty of perjury setting forth in detail the
15 Debtors' failure to perform under this Order for Adequate Protection, together with a proposed order
16 terminating the stay, which the Court may enter without further notice or hearing.

17 9. The Order for Adequate Protection is binding only during the pendency of this
18 bankruptcy case. If, at any time, the stay is terminated with respect to the Property by order of this
19 Court or by operation of law, this Order for Adequate Protection ceases to be binding and Trinity may
20 proceed to enforce its remedies under applicable nonbankruptcy law against the Property.

21 10. If Trinity obtains relief from stay based on Debtors' defaults under this Adequate
22 Protection Order, the order granting relief will contain a waiver of the fourteen-day stay provided in
23 FRBP 4001(a)(3).

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1 11. Trinity may accept any and all payments made pursuant to this order without prejudice
2 to or waiver of any rights or remedies to which Movant would otherwise have been entitled under
3 applicable nonbankruptcy law.

4 Dated: *October 4*, 2018

5 SAGARIA LAW P.C.

6 By: 

7 Scott M. Johnson
8 Attorney for Debtors
9 FIDEL JUANITEZ LUGTU AND LOURDES
10 BONDOD LUGTU

11 Dated: September 27, 2018

12 BURKE, WILLIAMS & SORENSEN, LLP

13 By: 

14 Richard J. Reynolds
15 Rafael R. Garcia-Salgado
16 Attorneys for Movant
17 TRINITY FINANCIAL SERVICES, LLC

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1851 East First Street, Suite 1550, Santa Ana, California 92705-4067

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION FOR ADEQUATE PROTECTION** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 10/5/18, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Martha G. Bronitsky 13trustee@oak13.com
- Joseph P. Buchman jbuchman@bwslaw.com, svazquez@bwslaw.com
- Rafael Ramon Garcia-Salgado rgarcia@bwslaw.com, bantle@bwslaw.com
- Arnold L. Graff ecfcanb@aldridgeppte.com, ALG@ecf.inforuptcy.com
- Armin M. Kolenovic ecfcanb@aldridgeppte.com, akolenovic@ecf.inforuptcy.com
- Richard J. Reynolds rreynolds@bwslaw.com, psoeffner@bwslaw.com
- Scott J. Sagaria SagariaBK@sagarialaw.com, ecf@sagarialaw.com
- Gilbert R. Yabes ecfcanb@aldridgeppte.com, GRY@ecf.inforuptcy.com

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 10/5/18 served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor: Fidel Juanitez Lugtu 37004 Arden St. Newark, CA 94560	Debtor: Lourdes Bondoc Lugtu 37004 Arden St., Newark, CA 94560
Lienholder: Mr. Cooper 8950 Cypress Waters Blvd. Coppell, TX 75019	Judge: Honorable William J. Lafferty U.S. Bankruptcy County 1300 Clay St., Ste. 300 Oakland, CA 94612

Service information continued on attached page

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3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FAX/TELETYPE, OR EMAIL
(state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

10/5/18

Bernadette C. Antle

Date

Printed Name

Signature

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